

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

January 13, 2006

ROLL CALL

The meeting of the Board of Dentistry was called to order at 8:00 a.m. by Paul Tamisiea, Chairperson, in the Staybridge Room of the Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Introductions of the two new board members were made. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

Paul E. Tamisiea, DDS, Chairperson
Jane Stratman, RDH
Sam Jacoby, DDS
Jane Lott, RDH
David Mlnarik, DDS
James P. Murphy, DDS
Julie A Marshall, DDS
Robert M. Hinrichs, DDS
Judith Kissell

Absent: Doris Schrader, Secretary

Present from the Credentialing Division was Becky Wisell, Section Administrator, Vonda Apking, Credentialing Coordinator and Suzanne Tesina, Credentialing Specialist; Lisa Anderson, Assistant Attorney General; Michael Grutsch, Program Manager, Larry Wiehn, Investigator and Jeff Newman, Investigator from the Investigations Division. Also present representing the Board of Health was Gary Westerman, DDS.

ADOPTION OF AGENDA

Murphy moved, seconded by Stratman, to approve the agenda. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

APPROVAL OF MINUTES

October 14, 2005

Jacoby moved, seconded by Mlnarik, to approve the minutes from the October 14, 2005 meeting. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

ELECTION OF NEW OFFICERS

Murphy moved, seconded by Jacoby, to nominate Mlnarik as Chairperson. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

Lott moved, seconded by Mlnarik, to nominate Jacoby as Vice-Chairperson. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

Murphy moved, seconded by Mlnarik, to nominate Schrader as Secretary. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

Murphy moved, seconded by Tamisiea to nominate Lott, as Editor of the newsletter. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried.

Jacoby moved, seconded by Tamisiea, to nominate Marshall to the CE Committee. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Stratman. Voting nay: none. Absent: Schrader. Motion carried. The CE committee will consist of Mlnarik, Marshall, and Stratman.

Schrader entered the meeting at 8:15 a.m.

The Practice Act Committee will still consist of Stratman, Lott and Jacoby.

The Expanded Duties for Dental Auxiliaries Ad Hoc Committee will now consist of Murphy, Lott, Kissell, Jacoby, and Stratman.

Tamisiea moved, seconded by Lott, to nominate Hinrichs for the Enteral Conscious Sedation Committee. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: None. Absent: None. Motion carried. The Enteral Conscious Sedation Committee will now consist of Tamisiea and Hinrichs.

Discussion followed about having a backup investigative consultant due to possible conflicts of interest. The Board asked Grutsch to contact Drs. Haish, Leeper, and Pudwill and see if they are interested or if they had any suggestions for other dentists that might be interested. Tabled until next meeting.

INVESTIGATIONAL REPORTS – CLOSED SESSION

Lott moved, seconded by Tamisiea, to go into closed session at 8:25 a.m. for the purpose of hearing investigational reports and compliance monitoring reports. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy and Mlnarik recused themselves from discussion at 8:50 a.m.
Murphy returned to answer questions at 8:57 a.m. and left at 8:59 a.m.
Murphy and Mlnarik returned to the meeting at 9:00 a.m.
Jacoby recused himself from discussion at 9:02 a.m.
Jacoby returned to the meeting at 9:21 a.m.
Hinrichs recused himself from discussion at 9:49 a.m.
Ruth Schuldt entered the meeting at 10:00 a.m.
Hinrichs returned to the meeting at 12:10 p.m.

Stratman moved, seconded by Lott to reopen the session at 12:20 p.m. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

DISCIPLINARY INFORMATION

Actions Taken/ Pending

Anderson provided clarification that the Modification Order for LaMont Gillham was regarding his chemical dependency issues.

UNFINISHED BUSINESS

American Board of Dental Examiners (ADEX) Agreement

Wisell explained that one of the concerns that Department legal had was whether by signing the agreement would restrict Nebraska to only using the ADEX examination. It was determined that the agreement would not restrict Nebraska to only using the ADEX examination. Wisell will sign the agreement on behalf of the Board and forward to the appropriate person at the ADEX.

Report by Sub-Committee on Enteral Conscious Sedation – Tamisiea

Tamisiea commented that groups are still working together and moving forward. Legislation will come from the Nebraska Dental Association (NDA) and/or the Nebraska Chapter of Oral & Maxillofacial Surgeons.

Report by Sub-Committee on Alternatives for Expanding CE Acceptance – Mlnarik

Dentist's Advantage Home Study – A Risk Management Program for Dentists – Mlnarik

Mlnarik distributed copies of a book with CD submitted for continuing education approval with recommendation that it could be used as ethics CE. Bring back to next meeting to get feedback from other board members. Possible problem could be that a disclosure letter would need to be included that it is advertising Dentist's Advantage Insurance Company.

Consideration of CE for Participating Mission of Mercy or Other Similar Programs - Murphy

Due to the Mission of Mercy being a volunteer situation, they do not want continuing education at this time. Kissell stated that she found online CE to not be very helpful. Kissell suggested that CE courses be held in venues where there would be discussion as opposed to sitting in front of a computer screen. Kissell stated that issues with ethics classes suggest to the public that professions lack ethics. Kissell suggested getting the CE committee to look at specific required subjects for CE and that maybe ethics classes could be a part of those requirements. Wisell reminded the Board that the different types of acceptable continuing education programs are set out in the regulations.

UNFINISHED BUSINESS CONT'D

Report by Sub-Committee on Practice Act Changes – Jacoby

The committee addressed the possibility of having a faculty instructional license where dentists who haven't had an active license for over three years can be allowed to be an educator for instructional purposes. Wisell talked about changing and broadening competency requirements. Jacoby moved, seconded by Lott, to write a letter to the Governor as to why the dental practice act changes were dropped. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried. Mlnarik will draft a letter.

Report by Sub-Committee on Expanded Duties for Dental Assistants – Murphy

There was discussion about the 2004 Survey of Legal Provisions for Delegating Intraoral Functions to Dental Assistants and Dental Hygienists that outlines the expanded functions for dental hygienists and assistants in other states. Jacoby suggested setting a date to get together and talk about these things. Murphy said Dr. Simmons from Valentine wanted the Nebraska Society of Orthodontists to have some input, they are meeting in March. Jacoby suggested that the NDA put something in their newsletter and solicit input.

Lott recommended getting input from other groups like NDA, NDHA, NDAA for ideas and have the committee report back to the Board.

Expanded Functions for Dental Hygienists/Dental Assistants in the Orthodontic Office

Letter from Dr. Robert Glenn requesting hygienists to be able to cement a band. Kissell stated since there are no laws about expanded functions in place, the Board has no comment on this issue at this time. Wisell said that the Board has given opinions in the past in response to a survey, and there is no problem sharing that opinion with Dr. Glenn. Lott and Stratman said there is no training on this procedure in the educational setting. Jacoby suggested letting Dr. Glenn know that at this moment, this is not a duty that is within the scope of a licensed dental hygienist, as they are not trained to perform this procedure. Consensus was to put it on hold for the time being, contact Dr. Glenn sharing the Board's decision. Staff will research information from other states and contact teaching facilities for additional information.

Tamisiea commented that there is a need to have very specific guidelines so there are no 'gray areas' and no misinterpretation. The Board does not want to elevate an assistant in an orthodontic office to be higher than an assistant in another dental office. Dr. Adams addressed the board with his comments concerning this issue.

LEGISLATION

2006 Legislation

Uniform Licensing Law (ULL) Rewrite

Wisell encouraged the Board to continue to look at the practice act changes. Wisell informed the Board that there is hope that the ULL rewrite will be introduced during the 2007 Legislative session. Jacoby stated he would like to continue to pursue the faculty instructional license or permit. Wisell suggested broadening the competency requirements for reinstatement.

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Practice Act Changes

This issue was already discussed.

Enteral Conscious Sedation

This issue was already discussed.

Dental Hygienists' Credentialing Review Final Report

This issue was not discussed. The Board members will discuss at another Board meeting.

CRDTS Issues

Annual Meeting and Workshop – March 2-4, 2006 – Kansas City, MO

Marshall, Stratman, Lott, Tamisiea, Carritt, Jacoby, Murphy will be the state designees to attend the CRDTS Annual Meeting in Kansas City on March 2-4, 2006 and will be reimbursed for travel expenses by CRDTS. The state will reimburse them for their meals and miscellaneous expenses. The rest of Board members will receive a contract for the honorarium. The deputy examiners will receive a contract for their travel expenses and the honorarium.

Committee Member Appointments

Tamisiea and Stratman are the Board's ERC committee members. Lott is the Board's Steering committee member.

Regional Examinations - Letter from WREB

Wisell informed the Board that the regulations would need to be changed in order not to accept WREB and SRTA. The Board reviewed the proposed language in the regulations. Wisell suggested that the language should read "pass between acceptance date and the effective date of these regulations" to provide clarification. This change would have to appear where ever recognition of exams is mentioned. Tamisiea moved, seconded by Jacoby, to change the regulations to reflect that WREB and SRTA scores will no longer be accepted, Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Proposed Amendments to 172 NAC 56 Regulations Governing the Practice of Dentistry and Dental Hygiene

Wisell explained that it is Department policy to only have the regulations change once a year. Staff will make clean up changes to the revocation section of the regulations. Kissell suggested adding ethics courses in professionalism and public health courses to the list of acceptable continued competency. Apking suggested adding a definition of "Inhalation Analgesia". The Board discussed changes to the examination section and fees section. Draft regulations will be discussed at the next Board meeting.

NEW BUSINESS

2006 AADE Mid-Year Meeting and Forum on Examinations – March 19-21, 2006 – Chicago, IL

Board members interested in going: Marshall, Hinrichs, Mlnarik, Tamisiea, Lott, and Anderson. Apking will submit for out-of-state travel and will let the Board members know if/when they are approved.

National Dental Examiners' Advisory Forum

Lott will be the Board's representative at the National Dental Examiners' Advisory Forum.

Appointment of an AADE Liaison

Lott will also act as the AADE Liaison for examinations.

Vacancies on the National Dental Examination Construction Committee

Tamisiea asked if anyone was interested in being on this Committee. Murphy requested to know what the vacant positions were. Marshall requested that additional information be sent to her. Apking will e-mail the information to Marshall.

Nominations for the Public Member of the Joint Commission on National Dental Examinations

Tamisiea asked if anyone was interested. Board members commented that Schrader was interested years ago, so the Board could nominate her again. Schrader respectfully declined. Kissell was asked if she was interested. Kissell declined at this time.

Application(s) for Licensure

Tamisiea moved, seconded by Jacoby, to approve the dental application of Bert Winterholler. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Tamisiea moved, seconded by Stratman, to approve the dental hygiene application of Carrie Browder. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Jacoby moved, seconded by Kissell, to approve the dental hygiene application of Mariah Carroll with the following stipulations: five (5) years' probation, complete substance abuse courses recommended by LAP within the first six (6) months of probation, submit to random body fluid screenings at her expense, take an 8 hour remedial clinical course prior to issuing the license, and quarterly employer reports. The reason for the probationary license is based on a misrepresentation on procuring a license, previous criminal convictions, and history of substance abuse. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy moved, seconded by Tamisiea, to reinstate the dental license of Robert Smith. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Application(s) for Dental Anesthesia Permits

Murphy moved, seconded by Jacoby, to approve both of the inhalation analgesia applications of Charles M. Schaepler, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Lott moved, seconded by Tamisiea, to approve the inhalation analgesia application of Cristin C. Wilson, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Stratman moved, seconded by Lott, to approve the inhalation analgesia application of Scott K. Kugler, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Application(s) for Approval of Remedial Course(s)

Lott moved, seconded by Stratman to approve the remedial course given by Creighton University to Michelle Raleigh, DDS. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Application(s) for Reinstatement after Discipline

Tamisiea moved, seconded by Lott, to table any Board recommendation on reinstatement application of Darcie Jameson until after the investigation is completed. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Accreditation Site Visit at Hamilton College – Dental Assistant Program – March 30-31, 2006

Apking stated that Hamilton College is getting their dental assistant program accredited and needs a Board representative to participate in the accreditation process. Hinrichs volunteered to be the Board representative. Apking will prepare a contract for Hinrichs.

FINANCIAL REPORT

Budget Status Report

The financial report was provided to the Board members for their review. Wisell explained the cash spending authority. The Department made a request of the Legislature to increase cash spending authority but was turned down. The next request will be made during the 2007 legislative session. Wisell explained that the Board would need to reassess their licensure fees. Wisell suggested discussing the licensure fees during a conference call.

Mlnarik asked what is “Operating Transfers – Out”. Wisell explained that they are expenses for investigations, credentialing review, and the attorney general’s work. They are shown as a transfer because the State is transferring monies to another State agency. Operating Transfers out does reduce the Board’s cash fund. Wisell explained how the budget was determined.

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Budget Status Report (continued)

Murphy mentioned that the Well Being Committee will be meeting in Lincoln on Saturday, January 28 at 10:00 a.m., and Dr. Cochran was wondering if there would be a board member willing to attend. The Board discussed co-sponsoring a speaker. Murphy moved, seconded by Kissell to support co-sponsoring speaker for the Nebraska Dental Association and Well Being Program for \$5000. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Approval of 2006 Budget

Tamisiea moved, seconded by Stratman, to approve the FY 2006 Budget. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

SET 2006-2007 MEETING DATES

The Board scheduled their next meeting for April 21, 2006. The other Board meetings were scheduled for July 14, 2006; October 6, 2006; and January 12, 2007.

GENERAL INFORMATION

Apking will order two more copies of expanded function book for the Board. The Board would like to do two newsletters a year.

ADJOURNMENT

Tamisiea moved, seconded by Schrader, to adjourn the meeting at 3:08 p.m. Voting aye: Hinrichs, Jacoby, Kissell, Lott, Marshall, Mlnarik, Murphy, Tamisiea, Schrader, Stratman. Voting nay: none. Absent: none. Motion carried.

Respectfully submitted,

Doris Schrader, Secretary
Board of Dentistry